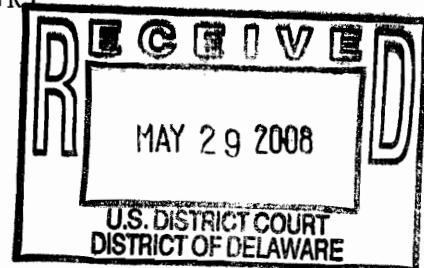


IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GEORGE A. JACKSON, et al., )  
Plaintiffs, )  
v. ) C.A. No. 05-823-SLR  
STANLEY TAYLOR, et al., ) JURY TRIAL REQUESTED  
Defendants. )



MOTION TO COMPEL DISCOVERY

Plaintiff George A. Jackson, pursuant to Rules 34(b) and 37(a), Fed.R.Civ.P., for an order compelling the defendant's counsel to forward the oral deposition of plaintiffs George A. Jackson, Carl Walker and Vernon Truitt to the said plaintiffs as part of discovery in this case. Plaintiff state as follow:

1. Counsel for Defendants wished to depose Plaintiff Jackson as part of discovery in this case. [D.I. 257]
2. Counsel for Defendants depose Plaintiff Jackson on March 20, 2008 at the Sussex Correctional Institution. **"See Attached Affidavit"**
3. Counsel for Defendants forward Plaintiff Jackson within a week a copy of his deposition to make any correction or changes. Plaintiff made necessary changes or corrections and return immediately back to Counsel for the Defendants.
4. The discovery deadline in this matter was April 1, 2008.
5. Plaintiff Jackson received Defendants' Motion for Summary Judgment dated May 19, 2008. In that their motion, their counsel makes an independent argument in reference to plaintiffs Jackson, Walker and Truitt depositions on page 5 of the Memorandum of Points and Authorities in Support of Their Motion for Summary Judgment. But Plaintiff Jackson (and presumably other plaintiffs) was not provided with the relevant depositions after made corrections. \*I have since learned Plaintiff Truitt has his deposition.\*

6. Under this Court's standards for reviewing a motion for summary judgment, plaintiff must establish that "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Fed.R.Civ.P. 56(c); Hersh v. Allen Products Co., Inc., 789 F.2d 230, 232 (3d Cir. 1986). The discovery sought is not only proper but is highly appropriate and relevant

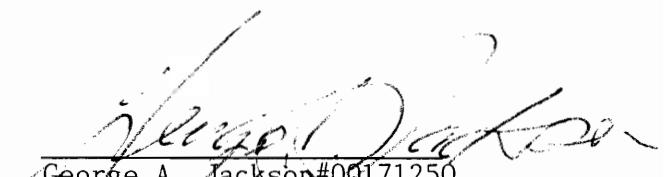
7. Counsel for the Defendants clearly stated in her Motion For Leave To Depose Plaintiffs (Jackson, Walker and Truitt), that she wishes to depose ... "as part of discovery in this case." Plaintiff Jackson complied with all the requirements at the oral deposition. In the discovery stage, relevance is construed "broadly to encompass any matter that bears on, or that reasonably could lead to other matter that bears on, any issue that is or may be in the case." Oppenheimier Fund, Inc. v. Sanders, 437 U.S. 340, 351, 98 S.Ct. 2380 (1978)(footnote omitted); accord, Weiss v. Amoco Oil Co., 142 F.R.D. 311, 315 (S.D.Iowa 1992). Discovery request should be allowed "unless it is clear that the information sought can have no possible bearing upon the subject matter of the action." La Chemise Lacoste v. Alligator Co., Inc., 60 F.R.D. 164, 171 (D.Del. 1973). The depositions of the plaintiffs is relevant to the claims and defenses in the case. Counsel for Defendants was under a legal duty to forward the deposition to the plaintiffs once the corrections or changes was made by plaintiffs.

For these reasons the material sought is relevant and should be produced.

#### CONCLUSION

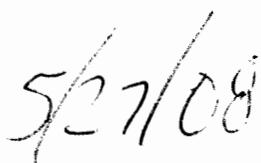
For the foregoing reasons, that Counsel for the Defendants did not produce the deposition of the plaintiffs through the require discovery prior to filing Defendants' Motion for Summary Judgment, the Court should "STRICKEN" their Motion and grant Plaintiff Jackson's motion to compel discovery, or alternatively

issued an delay in Plaintiffs' Opposition to Defendants' Motion For Summary Judgment until discovery of depositions are completed by Counsel for Defendants.



George A. Jackson #00171250  
Sussex Correctional Institution  
P.O. Box 500  
Georgetown, DE 19947

DATED:



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GEORGE A. JACKSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 05-823-SLR
	)	
STANLEY TAYLOR, et al.,	)	JURY TRIAL REQUESTED
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that on May 22<sup>nd</sup>, 2008, I filed Motion to Compel Discovery and Affidavit in Support of Motion to Compel with the Clerk of Court. I hereby certify that on May 22<sup>nd</sup>, 2008, I have mailed by United States Postal Service at the Sussex Correctional Institution, the said document to:

Catherine Damavandi  
Deputy Attorney General  
State of Delaware  
Department of Justice  
820 N. French Street, 6th Fl.  
Wilmington, DE 19801  
Attorney for State Defendants

5/27/2008

